

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

WILLIE ALBERT SMITH

PETITIONER

VS.

CIVIL ACTION NO. 3:15cv354-DPJ-FKB

STATE OF MISSISSIPPI, et al.

RESPONDENTS

ORDER OF DISMISSAL

This habeas petition filed under 28 U.S.C. § 2244 is before the Court upon the Report and Recommendation [14] of United States Magistrate Judge F. Keith Ball, after referral for hearing by this Court. On January 19, 2016, after considering the Petition [1] and Respondents' Motion to Dismiss [13], Judge Ball recommended that the Motion be granted and the Petition be dismissed with prejudice as untimely and procedurally barred. Smith was directed to file any objections to the Report and Recommendation within 14 days of being served with a copy. To date, Smith has not filed any objections. The Court, now having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court. Defendants' Motion to Dismiss [13] is granted and the Petition is dismissed with prejudice.

A separate judgment will be entered as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 10<sup>th</sup> day of February, 2016.

s/ Daniel P. Jordan III  
UNITED STATES DISTRICT JUDGE